

# **POLICY BRIEF ON THE EXTERNAL DIMENSION OF THE COMMON FISHERIES POLICY**





# The External Dimension of the Common Fisheries Policy

The **External Dimension of the Common Fisheries Policy (CFP)** has increased its visibility in the last decades, both in relation to its coherence with the internal dimension (comprising bilateral access agreements within EEZs and the management of international waters subject to jurisdiction of [RFMOs](#)) and its links with other EU policies such as cooperation for development, human rights, labour, health and trade issues.

As a relevant player in the development of global fisheries governance, **the EU has an enhanced responsibility to promote sustainable and responsible fisheries management into the international scene, in its double role as a major fishing actor and the largest single market for marine products in the world.**

The External fisheries policy ensures the EU commitment to jointly manage fish stocks outside EU waters where the EU fleet operates. It is in practice implemented by an active participation of the EU and other countries States and partners from around the globe through the United Nations system, including the [FAO](#), the [IMO](#) or [UNCTAD](#), RFMOs and Regional Sea Conventions, as well as other international and regional bodies.

However, despite the solid theoretical foundations, internationally agreed principles and overarching goals upon which the External Dimension of the CFP is built, there are still many weaknesses and

challenges that are hampering an effective implementation. **The EU distant water fleet (DWF) operates within the legal framework of the external dimension of the CFP.** It is composed of approximately 250 industrial vessels over 24 metres length overall from eleven Member States (MS) (Spain, France, Portugal, Italy, The Netherlands, Germany, Denmark, Lithuania, Latvia, Ireland and Poland) predominantly fishing outside EU waters. The main fleet segments are pelagic and demersal trawlers, purse seiners, pole and line and long liners. The target species are demersal, deep-sea, small and large pelagics, including tunas. Although the EU distant water fleet comprises a small part (less than 0.5%) of the total EU-27 fleet, **it supplies nearly 15% of the landings in weight and value to the EU market.** They are also relevant [in the generation of employment at sea \(7,400 FTE\) and on land](#), both in the EU and in coastal communities of third countries, as they have boarding of local crew requirements and obligation to land a percentage of the catches for local processing on land and distribution to markets.

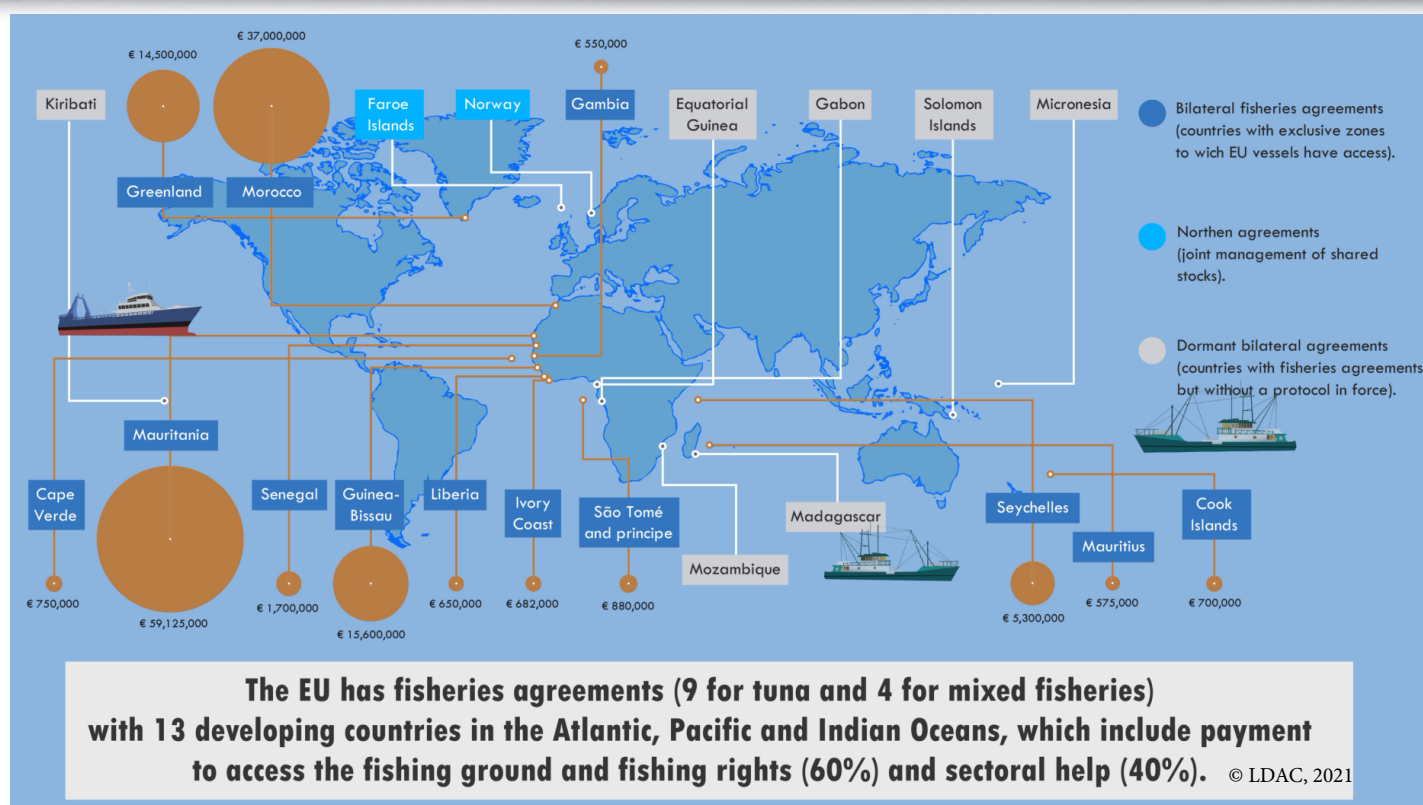
**This policy brief explores the core elements (“building blocks”) of the external dimension of the CFP, (that is, SFPAs, RFMOs and the fight against IUU), providing both specific and general recommendations aimed to inform the revision process of the CFP towards 2022.**

## The objectives of the external dimension of the CFP are:

- i. Actively support and contribute to the development of scientific knowledge and advice;
- ii. Improve policy coherence of Union initiatives, with particular regard to environmental, trade and development activities, and strengthen consistency of actions taken in the context of development cooperation and scientific, technical and economic cooperation;
- iii. Contribute to sustainable fishing activities that are economically viable and promote employment within the Union;
- iv. Ensure that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law in the area of the CFP, while promoting a level playing field for Union operators vis-à-vis third-country operators;
- v. Promote and support, in all international spheres, action necessary to eradicate illegal, unreported and unregulated (IUU) fishing;
- vi. Promote the establishment and the strengthening of compliance committees of RFMOs, periodical independent performance reviews and appropriate remedial actions, including effective and dissuasive penalties, which are to be applied in a transparent and non-discriminatory manner.



# Sustainable Fisheries Agreements (SFPA's)



## Scientific advice and knowledge

**1.- The role of operators must evolve from mere providers of data to meaningful contributors** (including reporting all catches) through a more bidirectional communication between scientists and fishing operators.

**2.- The work done by SFPAs joint scientific committees (JSCs) should be more visible** and reports of their meetings made publicly available in both the EU (DG MARE) and third country government websites.

**3.-Cooperation should be strengthened between scientists, policy makers, NGOs at coastal country level** and civil society within the framework of the SFPAs, promoting fisheries-science partnerships in order to fit with the [SDG 17](#).

**4.-Develop joint scientific research adapted to the reality of shared stocks**, contributing to improve stock assessment through robust methodologies and accessibility of data to peer review process.

## Use of sectoral support

**5.-Sectorial support should be executed based on a rigorous and efficient financial management plan.**

**6.-A certain degree of flexibility is needed in terms that overriding priorities or force majeure events** (e.g. natural disasters) can ensure adaptability and resilience of ecosystems and fishing communities.

**7.-Coastal States and the EU must ensure sectoral support is contributing to the national development strategy**, based on realistic objectives and efficient planning.

## Economic and social dimension of SFPAs: Data, labour and gender considerations

**8.- A more systematic approach to collection, processing, analysis and reporting of socio-economic data** could help to ensure robust long time series of data to get more accurate impact assessments in the EU *ex ante* and *ex post* evaluations.

**9.- The provision of the social clause in SFPAs should ensure compliance** to provisions on international UN conventions and provisions of safety at sea as well as decent labour conditions and defence of human and labour rights.

**10.- Effective implementation and inclusion of gender considerations into SFPAs to support SDGs** would help to promote women empowerment, specially where women play key essential roles in small scale fisheries, local fishing economy, household livelihoods and nutrition.

## Transparency and good governance

**11.-** It is desirable to **encourage further inclusion and increased involvement of local fishing communities, civil society organisations and other interest group representatives in the shaping and planning of priorities linked to funds derived from SFPAs.** Third country coastal State authorities should consult stakeholders both through the negotiation and implementation processes by setting up the adequate communication and information *fora*, particularly at coastal State level. A good example of such a platform is [FiTI](#).

**12.- Incentives could be also used to encourage the participation of the local fishing sector in the design and development of fishing policies, adapted to the local reality.**

## Regional approach and synergies between SFPAs and other sectorial policies

**13.- Trade rules should oblige non-EU nations who trade with the EU to provide access to key data and information to support objective verification of requirements** for the EU and the partner countries of SFPAs.

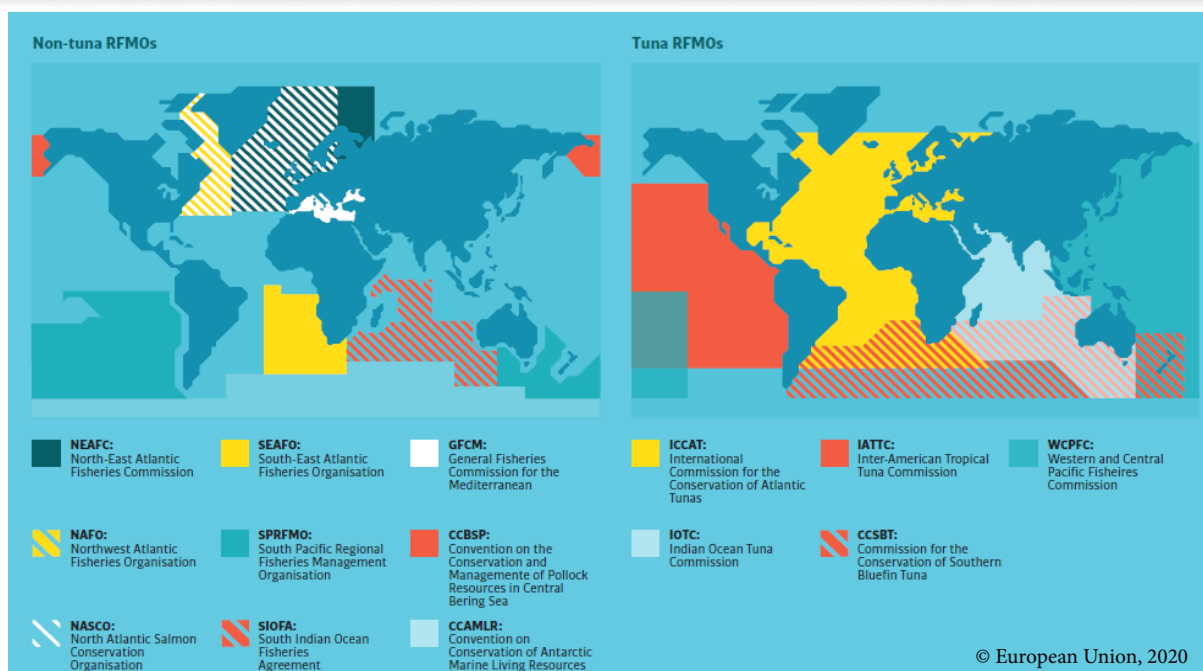
**14.-** In line with EU biodiversity strategy and [MSFD](#), **the ecosystem approach to fisheries and fisheries management (EAFM) could be more effectively implemented and considered within SFPAs through a concerted methodology and data collection**, analysis and transmission frameworks at multi stakeholders levels including local, national, regional and international.

**15.- Dedicated training programmes to Coastal States policy makers, managers and technicians would be key to understand policy interactions and adapt to their decision making and implementation procedures** in support of the predefined objectives.



EU pathways to leverage action in International Ocean Governance,  
©IOG Forum 2021





## The importance of fisheries (independent and dependent) data for decision making

**1.- The idea of a “regional VMS and e-logbook” might be explored** where all this data can be input and processed in a coordinated way avoiding bottlenecks and problems with data flows reported by the different CPCs. Following existing recommendations by [ICCAT](#) and [IOTC](#), this super-logbook should grant the reception of the data by the relevant Coastal State while recording on a single file/document the activity of the vessel inside the area covered by the RFMO, regardless of the specific EEZ.

**2.-RFMOs should also encourage the development of robust indicators to measure the socio-economic impacts** of RFMO members and their contribution to the SDGs.

## Regional inter-RFMO cooperation and dialogue on horizontal issues

**3.-Establish an inter-RFMO regional coordination mechanism, based on dynamic exchange of information** in the spirit of the “Kobe process” for tuna RFMOs. This cooperation could be effectively institutionalised through either informal “ad hoc” arrangements or via formal structures.

**4.- EU should be stronger in the field of its work in the RFMOs to provide useful recommendations to be reflected in other international institutions** or organisations such as the FAO and the [UNGA](#).

**5.- The EU has formal or informal working groups with several key fishing nations. These working groups could be planned and used strategically to support RFMO recommendations and decisions.** If held in the third country and if made more inclusive and transparent, they could serve to mobilise local actors by holding side events to encourage local governments to be more ambitious on issues related to international ocean governance.

## Opportunities to improve functioning and efficiency of RFMO: Performance Reviews

**6.- A benchmark exercise could be useful to exchange good practices and align with UNCLOS/UNFSA provisions.** It could help to exchange good practices and identify and tackle issues of shared interest (e.g. scientific methods and models, measurement and control of fishing capacity, research and management of FADs, MCS and fight against IUU fishing).

**7.- Improve RFMO performance in fulfilling the SDGs. EUMS and the European Commission could promote the adoption of dispute-resolution mechanisms to facilitate decision-making.** Good examples can be found in the [NAFO](#) and the [SPRFMO](#).

### What can the EU do directly to promote regional cooperation between RFMOs and reinforce the link with its own policies with partner countries?

- **The EU could take an active role in promoting showcasing RFMOs as “testing laboratory” to promote a regional approach to MCS, through the coordination and setup of regional observer programmes at sea** (such as the one for Bluefin tuna in ICCAT or transshipments in IOTC) and port control and inspections schemes.

- The overlying principle of Article 29 of CFP Regulation should be that responsible fishing should be given priority in resource allocation. **While discussions on allocation are complex, greater interaction and regular exchanges with partner countries and regional and international parties are bound to facilitate the process and help identify common grounds.** In terms of coherence, dialogue and work within RFMOs towards harmonization of access agreement conditions between coastal and flag States in the management and resource allocation of straddling stocks could be a way forward.

- **The EU could promote improvements regarding transparency and data reporting by Coastal States where the EU DWF is operating.** There are many challenges in the implementation of the requirements to report the activity of vessels both by the Coastal and Flag States, which are dealt with at the Control and Compliance Committees. The EU could help through alignment and coherence with provisions such as the transparency clause of the SFPAs and the SMEFF regulation, whereas the third country must provide information on vessels activity in their waters.



# Illegal, Unreported and Unregulated (IUU) Fishing

## IUU facts and figures in the EU



**almost 30%**

of the world's fisheries are overexploited <sup>1</sup>

**over 60%**

are already fully exploited and illegal fishing is a serious economic and environmental threat<sup>1</sup>

**€ 1.1 bn**

estimated value of illegally caught fish imported into the EU prior to the EU IUU Regulation coming into force<sup>2</sup>

**up to €19 bn**

estimated annual cost of IUU fishing, representing 11–26 million tonnes of catch<sup>3</sup>

**60%**

of the fisheries and aquaculture products consumed in the EU is imported<sup>4</sup>

**90%**

of the white fish consumed in the EU is imported<sup>4</sup>

**The EU remains a global leader in the fight against IUU**

<sup>1</sup> FAO, *The State of World Fisheries and Aquaculture*, 2014.

<sup>2</sup> JRC European Commission, *Detering Illegal Activities in the Fisheries Sector*, 2011.

<sup>3</sup> PLOS ONE, *Estimating the Worldwide Extent of Illegal Fishing*, 2009 (figure is based on conversation rate in Dec 2014)

<sup>4</sup> EUROPEAN PARLIAMENT, *Compliance of Imports of Fishery and Aquaculture Products with EU Legislation*, Study, 2013.

© iuuwatch.eu 2020

## The EU can take leadership in the following fronts:

- 1 Reinforce the role and capacities of the European Fisheries Control Agency (EFCA)** in terms of strengthening cooperation with third countries and compliance with international obligations and measures established by RFMOs
- 2 An online mechanism within the new IT system "CATCH" should be developed to allow the proactive sharing of intelligence and results of control inspections and verifications made by EU MS on consignments coming into the EU market.** This would avoid double entry frauds of rejected catch certificates ensuring a steady flow of relevant information between MS. It would be adequate to ensure the assessments carried out by the EC with Member States on implementation issues take the form of a routine audit programme of Member State control procedures. The EU should continue collaboration with EFCA to encourage harmonized application of a risk management approach across the Member States.
- 3 Effectively implement and use to its full potential of the Regulation on Sustainable Management of the EU external fishing fleet (SMEFF),** to increase accountability and transparency on the environmental impacts of EU's external fishing, with publicly available information periodically updated (weekly or monthly) list of licensed vessels with active fishing authorizations via the creation of an electronic database. A similar process should be applied whenever possible to fishing and catch data from non-EU external fishing fleets.
- 4 Defend the role of RFMOs in reinforcing mechanisms to fight against IUU fishing,** such as collaborative work on information exchange regarding IUU vessels lists available, submission of information to the FAO Global Record of Fishing Vessels or the compulsory allocation of IMO numbers for distant water fishing vessels to avoid practice of abusive reflagging and follow the changes in names of vessels and ownership.



**5.- Continue efforts to expand the requirement for flag and port States to verify and take appropriate actions when nationals are found to be otherwise benefiting from or supporting the activities of IUU vessels** through for example, the provision of services. These measures are also in line with Article 39 of the EU IUU Regulation. Many countries have adopted and ratified the FAO Port States Measures Agreement and RFMOs and regional arrangements such as CCAMLR, SPRFMO, SIOFA and GFCM have recently adopted measures against boats operating in their areas upon proposal by the EU.

**6.- Table and support proposals in RFMOs aimed at improved transparency standards**, particularly regarding the beneficial ownership of vessels.

**7.- Incorporate Remote Electronic Monitoring (REM) systems to all distant water industrial fleets** to include both recording of their position by VMS and data collection by fishing logbooks where species are identified according to guidelines provided by RFMOs to the required taxonomic level. The electronic observer should be used as a complementary tool of the physical observer by Flag States and RFMOs to increase coverage of fishing activities. This will help to close gaps, promoting a culture of compliance with existing management measures in force whilst helping to reduce IUU fishing and associated human rights offences.

**8.- Address the problem of overcapacity** which might lead to IUU fishing. Resources are limited, and only the EU, Japan, US and some Western countries have limited their overall capacity in the last years.

**9.- Find a harmonized definition of serious infringements and seek to adopt equivalent sanctioning regimes harmonised across EU and non-EU Member States** at global level to deter IUU fishing.

**10.- Promote the mandatory use of an IMO number and unique vessel identifier (UVI)** for eligible vessels to avoid the practice of “flag hopping” and monitor the fishing practice of each vessel.

**11.- Encourage other big distant water fishing nations to sign MoU and strategic plans of action for tackling IUU fishing** and ensuring coordination between control, inspection, patrol, and police authorities all over the world as the poachers move worldwide.

**12.- Other related governance issues might be indirectly related to IUU fishing activities** such as illegal migrations and modern slavery, maritime piracy or criminal activities such as drug trafficking.

## The case of China's DWF

Despite its significance, assessment of its size and operations is hampered by a lack of transparency and by the limited availability of information in English. Even estimates of the size of China's DWF fleet vary considerably: from under 2,000 vessels to around 3,400 vessels (ODI, 2020). Information on the geographic location, types of fishing and catches of the Chinese DWF fleet is also limited. In comparison, the European Union's DWF fleet went down from 289 to 250 vessels in the period 2014-2018 (STECF AER, 2020), and the United States had 225 large DWF vessels in 2015. Estimates of China's DWF fleet generally focus on Chinese flagged vessels, and there is limited data available on the number of Chinese-owned or joint venture vessels flagged in other countries. The Chinese government does appear to recognise concerns about the size of its DWF fleet and in 2016 announced plans to restrict the size of its DWF fleet to 3,000 vessels by 2020, and to limit catches to 2.3 million tonnes per year. However, according to a recent report, China's DWF fleet could be 5–8 times larger than previous estimates, with nearly 17,000 vessels between 2017 and 2018 (ODI, 2020).



# GENERAL RECOMMENDATIONS

1

**The EU should use the Policy Coherence for Development (PCD), enshrined in Art. 208 of TFEU, for reporting in detail how the CFP's external dimension supports the implementation of the UN 2030 Agenda on the SDGs;** the EU external dimension of the CFP, and in particular the conservation and management of fishing resources, should be aligned with international commitments on climate change, biodiversity and the UN 2030 Agenda on SDGs. There will be a number of important challenges in the next decade in terms to evaluate the impact of international fisheries as a result of the adoption and implementation of a UN Treaty on [BBNJ](#), the [CBD](#) including the Aichi Biodiversity Targets (10% of MPAs in 2020 and 30% in 2030), or trade measures such as [WTO](#) resolutions on harmful fisheries subsidies or commercial measures by [CITES](#) to commercial stocks that are listed under the "Red List" of sensitive species. It is still to be seen how these measures will change the fishing patterns, distribution of effort and challenges remain in the side of control and compliance in terms of implementation by all EU and non-EU fleets.

2

**The coordination between the External Dimension of the CFP and the EU Green Deal and Blue Economy will be key to ensure a balanced approach to maritime spatial planning and minimisation of harmful impacts to the environment and conflicting interests of human activities at sea** (including pharmaceuticals, biotechnology, shipping, cabling, oil and gas extraction, deep-sea mining, etc.)

3

**The new reality arising from the post-COVID-19 pandemic will be a huge challenge. Adaptive policies linked to build resilience will be required in the international ocean governance arena** in accordance with the recommendations on this field in the IOG summary report launched by DG MARE in February 2021 as a result of the public and targeted consultation held in 2020.

# And more specifically...

The lack of adequate reporting among other issues affecting data flows between Flag and Coastal States, hampers the implementation of sustainable fisheries management and may promote overexploitation of commercial species.

The measurement of the impacts of investment should be properly addressed into *ex-ante* and *ex-post* evaluations, particularly from the inclusion of socioeconomic aspects. The inclusion of the gender approach aligned with existing funded instruments is essential to scale in equality and social justice, at local and national level.

Despite most part of SFPAs protocols contain a non-discrimination clause, it is not effectively implemented in many cases. This leads into a lack of level playing field, which joined to a lack of reporting and scarce enforcement is compromising the good governance.

Communication processes are important for managing expectations, understanding the reasons for underutilisation of fishing opportunities allotted, due logistic and operational issues, bureaucratic and legislative barriers, or technical measures leading to problems of cohabitation between industrial and artisanal fleets.

The EU should encourage regional strategies for SFPAs and at RFMO level through internal consultation with EU Member States. Cooperation between Coastal States and the EU could be strengthened through existing scientific bodies (e.g. CECAF) where Coastal States are already cooperating at regional level outside the scope of SFPAs.

Trade policies and agreements on market-oriented measures, including sustainable development objectives, imports control and traceability, could be better aligned with SFPAs objectives.

The EAFM could be more effectively implemented within SFPAs, from the inclusion of an adequate methodology and transmission frameworks at multi-stakeholders level.

The EU should continue to actively promote the constitution of new RFMOs or other regional arrangements in those areas of the high seas where they do not exist, in particular for managing sustainably shared stocks like the small pelagic and demersal stocks in West Africa; or the Southwest Atlantic; amongst others.

The EU needs to be more assertive and use its market force to ensure the viability of its external fleet. Indeed, the EU market should strive to ensure that seafood imports from third countries comply with similar standards as EU ones, enhancing food security and sustainability of fisheries while supporting the fight against IUU fishing, through more effective control of imports and zero tolerance against products coming from IUU fishing.







THE EXTERNAL DIMENSION OF THE  
COMMON FISHERIES POLICY  
PRESENT CHALLENGES AND FUTURE OPPORTUNITIES  
1<sup>st</sup> - 2<sup>nd</sup> June 2021

## ACKNOWLEDGEMENTS

We would like to thank the panelists and participants of the Conference “The External Dimension of the Common Fisheries Policy: Present Challenges and Future Opportunities”. The discussions held and presentations done during the event have been the basis for the elaboration of the recommendations presented here.

### Editors:

**Alexandre Rodríguez (LDAC)**

e-mail: alexandre.rodriguez@ldac.eu

**Sonia Doblado (LDAC)**

e-mail: sonia.doblado@ldac.eu

## ABOUT FARFISH

The FarFish project ([www.farfish.eu](http://www.farfish.eu)) is a four-year Research & Innovation project that started in June 2017 and will finish in November 2021. It is funded by the European framework programme HORIZON 2020 under grant n°727891. The focus of the project is on providing knowledge, tools and methods to support responsible, sustainable and profitable EU fisheries outside European waters.

### Project Coordinator

**Jónas R. Viðarsson**

tel: + 354 858 5107 e-mail: jonas@matis.is

This Project has received funding from the European Union's Horizon 2020 Research and Innovation programme under grant agreement no. 727891.

